

EXHIBIT C

Nos. 15-56014, 15-56025, 15-56059, 15-56061, 15-56064, 15-56067

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**IN RE: HYUNDAI AND KIA
FUEL ECONOMY LITIGATION**

Kaylene P. Brady, et al. and Nicole Marie Hunter, et al.
Plaintiffs-Appellees,

Kehlie R. Espinosa; et al.,
Plaintiffs-Appellees,

Hyundai Motor America, Inc.; et al.
Defendants-Appellees.

v.

Caitlin Ahearn; Andrew York; et al.
Objectors-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
THE HONORABLE GEORGE H. WU, JUDGE
CASE NO. 2:13-ml-02424-GW-FFM

**JOINT MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REHEARING EN BANC**

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As authorized by Federal Rule of Appellate Procedure 26(b), appellees jointly move for a 30-day extension of time to file a petition for rehearing en banc.¹ Their petition is currently due by February 6, 2018. If this motion is granted, their petition will be due by March 8, 2018. The requested extension is supported by good cause as set forth in the accompanying Declaration of Steve W. Berman.

¹ Specifically, the parties seeking this extension are plaintiffs-appellees Nicole Hunter, Kaylene Brady, Travis Brissey, Ronald Burkard, Adam Cloutier, Steven Craig, John Dixon, Erin Fanthorpe, Eric Hadesh, Michael Keeth, John Kirk MacDonald, Michael Mandahl, Nicholas McDaniel, Mary Moran-Spicuzza, Gary Pincas, Brandon Potter, Thomas Purdy, Rocco Renghini, Michelle Singleton, Ken Smiley, Gregory Sonstein, Roman Starno, Gayle Stephenson, Andres Villicana, Richard Williams, and the Class; plaintiffs-appellees Levoff, Ganim and the Class; defendant-appellee Hyundai Motor America; and defendant-appellee Kia Motors America, Inc.

DATED: January 29, 2018

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ATTESTATION REGARDING SIGNATURES

Pursuant to Circuit Rule 25-5(e), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content.

s/ Steve W. Berman

Steve W. Berman

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF
MOTION FOR EXTENSION OF TIME**

I, Steve W. Berman, declare:

1. I am the Managing Partner of Hagens Berman Sobol Shapiro LLP and counsel for the appellee Class, plaintiffs-appellees Kaylene P. Brady, et al., and Nichole Marie Hunter, et al. To the extent I do not have personal knowledge of the matters set forth below, I am acquainted through information and belief and, if called upon to testify, could competently do so.

2. Appellees seek a 30-day extension of time to file a petition for rehearing en banc. There have been no prior extensions. This motion is supported by the following grounds constituting good cause:

a. As the panel is aware, these related appeals arise from a multidistrict class action settlement involving a large record and complex issues. Additional time beyond the usual 14 days is therefore required to prepare an adequate petition. The case also involves many appellees. The moving parties need sufficient time to coordinate their presentation and respective positions.

b. Appellees are informed that amici curiae will be seeking leave to file in support of en banc review. Additional time is needed to coordinate with those persons and entities.

c. Due to recent holiday travel schedules and deadlines in other cases, it was difficult to coordinate anticipated briefing efforts before filing

and publication of the Opinion on January 23, 2018. Appellees' counsel's attention has necessarily been divided between this case and other matters in December and January.²

3. By email on January 26, 2018, appellees' counsel advised counsel for all objectors-appellants of this motion and requested their position on a 30-day extension. Objectors/Appellants Scott, Ahearn, and York have agreed not to oppose the motion. The remaining Objectors/Appellants did not respond with their positions before filing of the motion.

4. Appellees' counsel are working diligently to prepare a petition. They are unaware of any prejudice to appellants, or any other party to these appeals, that would result from the requested extension.

² For example, counsel responsible for briefing this appeal on behalf of plaintiffs-appellees filed an opening brief on January 2, 2018, in *Hees v. Maricopa County*, No. TX-17-0004 (Maricopa Cty. Super. Ct.) and a reply brief on January 25, 2018, in *Allen v. United Services Automobile Association*, No. 17-1282 (10th Cir.). Counsel also prepared for a bench trial on January 8-12, 2018, in Los Angeles in *Dixon v. Abrahamson Smith Waldsmith LLP*, No. BC647560 (Los Angeles Cty. Super. Ct.), as well as oral argument on January 25, 2018, in *Reed v. Sunrun*, No. B276862 (Cal. App.). Counsel is currently preparing for a February 15, 2017 oral argument in the complex nationwide MDL *In re Pre-Filled Propane Tank Antitrust Litigation*, No. 16-4086 (8th Cir.). In addition, counsel has an opening brief due February 9, 2018, in *PG&E San Bruno Fire Derivative Cases*, No. A152330 (Cal. Ct. App.) and a class certification motion due on February 7, 2018, in *Maldonado v. Apple, Inc., et al.*, No. 3:16-cv-04067-WHO (N.D. Cal.).

5. A petition for rehearing en banc is currently due by February 6, 2018. For the reasons stated constituting good cause, on appellees' behalf, I respectfully request a 30-day extension, until March 8, 2018, to petition for rehearing en banc.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29th day of January, 2018, in Seattle, Washington.

s/ Steve W. Berman
STEVE W. BERMAN